

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JENNIFER SANCHEZ,

Plaintiff,

V.

KEVIN K. McALLENAN, Acting
Secretary, United States Department of
Homeland Security, Immigration and
Customs Enforcement.¹

Defendant.

C17-1353 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) The parties' stipulated motion to extend certain dates and deadlines, docket no. 69, is GRANTED in part and DENIED in part as follows:

(a) The deadline for plaintiff's pre-trial statement is EXTENDED from August 7, 2019, to August 12, 2019;

(b) The deadline for defendant's pre-trial statement is EXTENDED from August 17, 2019, to August 22, 2019; and

(c) The motion to continue the trial date is DENIED. Except as extended by this Minute Order, all other dates and deadlines set forth in the Minute Order entered April 8, 2019, docket no. 47, shall remain in full force and effect.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Acting Secretary McAllenan is SUBSTITUTED for former Secretary Kirstjen Nielsen.

(2) Defendant's motion to dismiss and for summary judgment, docket no. 55, is GRANTED in part and DENIED in part as follows:

(a) Plaintiff's discrimination and retaliation claims based on discrete adverse employment actions **other than termination** are DISMISSED;

(b) Plaintiff's claim under 42 U.S.C. § 1983 is DISMISSED;

(c) Plaintiff's sexual harassment and hostile work environment claim is narrowed to not include allegations about intrusions of her work space, which the evidence undisputedly indicates was not "because of sex"; and

(d) Except as granted in Paragraphs 2(a)-(c), defendant's motion is DENIED. The claims remaining for trial are discriminatory and/or retaliatory discharge and sexual harassment / hostile work environment. The Court will issue a separate order explaining its reasoning.

(3) Plaintiff's motion for summary judgment, docket no. 60, is GRANTED in part and DENIED in part as follows:

(a) Defendant's eighth affirmative defense (no basis for imputing liability to defendant) is STRICKEN because defendant has made no showing that the Acting Secretary of the United States Department of Homeland Security is not the proper defendant pursuant to 42 U.S.C. § 2000e-16(c); and

(b) Plaintiff's motion is otherwise DENIED.

(4) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 7th day of August, 2019.

William M. McCool

Clerk

s/Karen Dews

Deputy Clerk